

Advisory Action

Application No.

09/341,637

Applicant(s)

Beentjes

Examiner

Todd J. Kilkenny

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 August 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-8.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 13.
10. ☐ Other: _____

J. H. Hafter
JEFF H. HATER
PRIMARY EXAMINER
GROUP 1300

Continuation of 5. does NOT place the application in condition for allowance because: applicant's arguments in regard to the contact roll be moveable from a first or "opened" position to a second or "closed" position are not persuasive. The rejection of record is maintained as the Admitted Prior Art suggests that it is known in extrusion coating processes to form a sheet of plastic and to then apply said sheet ~~directly or virtually directly from the extruder onto a metal substrate (Applicant's specification, page 1, lines 9-10).~~ It is also known as submitted by applicant that applying plastic strips to a metal substrate would require a contact roller that laminates the two together (WO 93/24324 and EP 0067060). Adding onto the teachings of the Admitted Prior Art are Aoki et al and Ichikawa et al. Both secondary references are applied to teach that it is known in extrusion coating processes that the formation of extruded plastic strips needs to be separable from further processes (e.g. laminating to a metal substrate as taught by Ichikawa et al) when the properties of the strip lack the stabilization required in the final product. It is recognized that no reference has been made of record that teaches a contact roller to be moveable between open and closed positions so as to be able to separate the extrusion process of forming a plastic strip to the laminating process of adhering the plastic strip to a metal substrate by initially feeding to a haul-off roll. However, it is the position of the examiner that such would have been obvious to one of ordinary skill in the art as the skilled artisan would readily appreciate the need to have the contact roller be moveable when sending an extruded plastic strip to a lamination process if motivated to provide for the capability of separating the extrusion process from the laminating process as taught by the secondary art (Aoki et al and Ichikawa et al) .